

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
)	
v.)	No.: 3:04-CR-86
)	(VARLAN/GUYTON)
)	
NICHOLAS HARDISON)	

ORDER

This criminal case is before the Court for consideration of the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on December 13, 2005 [Doc. 26]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51. Magistrate Judge Guyton recommended that the Court grant the government's motion [Doc. 22] and dismiss Count Six of the Superseding Indictment [Doc. 9] with the stipulation that the government not use at trial any of the marijuana it seized from 944 Piney Grove Church Road, Apartment D7, Knoxville, on August 17, 2005.

The Court is in agreement with Magistrate Judge Guyton's recommendation, which the Court hereby adopts and incorporates into its ruling. Accordingly, the government's motion to dismiss Count Six of the Superseding Indictment [Doc. 22] is **GRANTED**. The

Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 26]. Count Six of the Superseding Indictment [Doc. 9] is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE